

of the Revised Civil Statutes of Texas, fixing the time for holding court in the Eighteenth Judicial District."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 281, "An act to repeal article 2923, chapter 6, title 52, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 434, a bill to be entitled "An act to validate and confirm an ordinance passed by the city council of the city of Galveston, ceding to the United States of America certain streets intersecting land purchased and to be purchased by the United States of America for the purpose of erecting fortifications thereon, and to authorize the commissioners' court of Galveston county to cede to the United States of America such portions of public highways in Galveston county for the purpose of establishing fortifications situated outside the limits of the city of Galveston."

Read first time and referred to Committee on Towns and City Corporations.

The following committee report was sent up:

Committee Room,

Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 206, a bill to be entitled "An act to amend article 722, chapter 14, title 21, of the Revised Statutes of the State of Texas, as adopted by the Twenty-fourth Legislature of the State of Texas in the year 1895."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

COLQUITT, Chairman.

On motion of Senator Goss,

Senate bill No. 63, a bill to be entitled "An act to repeal articles 4218d and 4218i, chapter 12a, title 87, of the Revised Statutes of the State of Texas, and to add to said chapter article 4218ff, and to amend articles 4218e, 4218f and 4218s of said chapter and title, relating to the sale and lease of the public free school and asylum lands,"

Was made special order for Monday next after call, and from day to day.

On motion of Senator Boren, the Senate adjourned until 10 a. m. to-morrow.

## TWENTY-NINTH DAY.

Senate Chamber,  
Austin, Tex., Wednesday, Feb. 17.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Linn of Wharton.
Beall.	Morriss.
Boren.	Rogers.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Gough.	Woods.
Harrison.	Yantis.
Kerr.	Yett.
Lewis.	

Excused.

Bailey.	Neal.
Greer.	Presler.
Linn of Victoria.	Ross.

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Harrison, the same was dispensed with.

On motion of Senator Stafford, Senator Neal was excused for to-day, on account of important business.

On motion of Senator Darwin, The Assistant Secretary, Mr. Dodson, was excused from attendance upon the Senate on yesterday on account of important business.

## PETITIONS AND MEMORIALS.

By Senator Rogers:

Memorial of 90 citizens of Anderson county, and the officers of various hunting and fishing clubs, praying for the passage of stringent game and fish laws.

Read and referred to Judiciary Committee No. 2.

By Senator Burns:

Petition from citizens of Austin and Harris counties, praying for an amendment to the assignment law, prohibiting preferences.

Read and referred to Judiciary Committee No. 1.

By Senator Gough:

Petition from citizens of Anna, Collin county, asking for an amendment to the prohibition laws, so as to prohibit the sale of intoxicating liquors in

districts where prohibition has been adopted.

Read and referred to Judiciary Committee No. 2.

By Senator Atlee:

Memorial from commissioners' court, Duval county, protesting against the passage of a scalp law.

Read and referred to Committee on Stock and Stockraising.

By Senator Gough:

Petition from citizens of Honey Grove, Fannin county, asking for the passage of the local option bill introduced in the House by the Hon. John C. Meade.

Read and referred to Judiciary Committee No. 2.

The Chair gave notice of signing, and did sign in the presence of the Senate, after its caption had been read.

House bill No. 62, a bill to be entitled "An act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the 1st day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law."

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Feb. 17, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Substitute House bill No. 103, a bill to be entitled "An act to amend subdivision 18, of article 22, of the Revised Civil Statutes of Texas, fixing the time for holding court in the Eighteenth Judicial District,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that this bill be not printed.

LEWIS, Chairman.

#### MAJORITY REPORT.

Committee Room,

Austin, Texas, Feb. 16, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 166, a bill to be entitled "An act to provide for the taking of the ex parte testimony of debtors in certain cases, touching their assets and the ownership and possession of prop-

erty and matters relating thereto, and to compel them to testify; and making a refusal to testify, or evasive testimony, a contempt of court, and prescribing and providing penalties and punishments for the same."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

#### MINORITY REPORT.

Committee Room,

Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 166, a bill to be entitled "An act to provide for the taking of ex parte testimony of debtors in certain cases, touching their assets and the ownership and possession of property and matters relating thereto, and to compel them to testify, and making a refusal to testify or evasive testimony a contempt of court and prescribing and providing penalties and punishments for the same,"

And your said committee having had the same under consideration, it is recommended by a majority of said committee that it do pass.

The minority of said Judiciary Committee No. 1 do not concur with the opinion of the majority, and beg to tender this its minority report with the recommendation that the said bill do not pass.

LINN of Wharton.

Committee Room,

Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 121, a bill to be entitled "An act to amend article 5051, Revised Statutes of 1895, relating to county warrants, and to repeal article 1118 of the Code of Criminal Procedure, prohibiting the payment of county scrip except in their order."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the following amendments:

1st. By striking out from the caption the words: "And to repeal article 1118, of the Criminal Code of Procedure."

2d. By striking out all after the word "only," and insert in lieu thereof the following: "All laws and parts of laws

in conflict herewith are hereby repealed."

And thus amended recommend that it do pass.

LEWIS, Chairman

Committee Room,  
Austin, Texas, Feb. 16, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 167, a bill to be entitled "An act to amend articles 3728, 3729, title 79, chapter 9, of the Revised Civil Statutes of Texas, properly defining county convicts and requiring county convicts in felony and misdemeanor cases where a jail penalty is affixed to be worked on public works."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 198, a bill to be entitled "An act to provide for and regulate suits for taxes by counties, cities, towns, school districts and school corporations."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the following amendments:

1st. By adding the word "real" after the word "any," in line 6, of section 1.

2d. By striking out, in section 5, all after the word "why," in line 7 of said section.

And thus amended recommend that it do pass.

LEWIS, Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 132, a bill to be entitled "An act to amend article 2949 of the Revised Civil Statutes of the State of Texas, relating to the commissions of county treasurers."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 143, a bill to be entitled "An act to prohibit the issue of free passes or other gratuitous transportation to any public official or employe of the State of Texas, or of any county, city or town by railway or street car companies doing business in whole or in part in this State, and to prohibit the acceptance of the same by any such officials, and to prescribe penalties for any violation of this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room.

Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 131, a bill to be entitled "An act to amend article 920, of the Revised Civil Statutes, title XXVI, of the State of Texas, relating to county treasurers."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 116, a bill to be entitled "An act to facilitate the collection of wages, salaries, and earnings due for labor performed."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

#### MAJORITY REPORT.

Committee Room,

Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom were referred

Senate bills Nos. 45, 59 and 70, being bills to prevent the preference of creditors by deeds of trust, etc., have had

the same under consideration, and I am instructed by a majority of your committee to report to the Senate the accompanying substitute bill in lieu of Senate bills Nos. 45, 59 and 70, with the recommendation by a majority of your committee that said substitute bill do pass.

LEWIS, Chairman.

#### MINORITY REPORT.

Committee Room,  
Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom were referred

Senate bills Nos. 45, 59 and 70, being bills to prevent the preference of creditors by deeds of trust, etc., and your said committee, having had said bills under consideration, report a substitute bill for said bills Nos. 45, 59 and 70 recommended by a majority of your committee that said substitute bill do pass.

We, a minority of said Judiciary Committee No. 1, do not concur in the opinion of the majority of said committee and tender this our minority report, and recommend that the said substitute bill do not pass.

ROGERS,  
LINN of Wharton,  
ROSS.

Committee Room,  
Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 194, a bill to be entitled "An act to amend article 3089 (2971), title 58, chapter 3, of the Revised Statutes of the State of Texas, and to repeal all laws or parts of laws in conflict herewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BOWSER, Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 191, a bill to be entitled "An act to provide for the creation of level premium mutual life and acci-

dent insurance companies in this State, and for the regulation thereof."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BOWSER, Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Public Health and Vital Statistics, to whom was referred

Senate bill No. 170, a bill to be entitled "An act to amend articles 402 and 406, chapter 6, of the Penal Code of the State of Texas, and to add thereto articles 406a and 406b."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend caption by adding thereto the following: "Relating to the unlawful sale of intoxicating liquors."

MORRISS, Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Towns and City Corporations, to whom was referred

House bill No. 434, a bill to be entitled "An act to validate and confirm an ordinance passed by the city council of the city of Galveston, ceding to the United States of America certain streets intersecting land purchased by the United States of America for the purpose of erecting fortifications thereon, and to authorize the commissioners court of Galveston county to cede to the United States of America such portions of public highways in Galveston county for the purpose of establishing fortifications thereon situated outside the limits of the city of Galveston."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LINN of Wharton,  
Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 1, a bill to be entitled

"An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways for injuries to their servants and employes, and to prohibit contracts between employer and employe, based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 151, a bill to be entitled "An act to amend the charter of the city of Sherman, passed by the Twenty-fourth Legislature, amending section 2 thereof, in regard to the boundary of said city,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 200, a bill to be entitled "An act to validate and confirm an ordinance passed by the city council of the city of Galveston, ceding to the United States of America certain streets intersecting land purchased by the United States of America for the purpose of erecting fortifications thereon, and to authorize the commissioners court of Galveston county to cede to the United States of America such portions of public highways in Galveston county for the purpose of establishing fortifications thereon situated outside the limits of the city of Galveston."

And find the same correctly engrossed.

GOUGH, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Goss:

Senate bill No. 207, a bill to be entitled "An act to repeal article 2557 of the Revised Civil Statutes of the State of Texas, relating to the sale of real estate in Texas belonging to non-resident wards, and the removal of the proceeds beyond the State."

Read first time and referred to Judiciary Committee No. 1.

By Senator Goss:

Senate bill No. 208, a bill to be entitled "An act to repeal article 5172 of the Revised Civil Statutes of the State of Texas, relating to the payment of taxes by non-residents."

Read first time and referred to Judiciary Committee No. 1.

By Senator Goss:

Senate bill No. 209, a bill to be entitled "An act to repeal article 933 of the Penal Code of the State of Texas, relating to branding stock in a pen."

Read first time and referred to Judiciary Committee No. 2.

By Senator Bowser:

Senate bill No. 210, a bill to be entitled "An act to amend article 2472 of chapter 3, of title XLV of the Revised Civil Statutes of Texas adopted in 1895, relating to the fees to be charged by notaries public for their official acts."

Read first time and referred to Judiciary Committee No. 1.

By Senator Stanford (by request):

Senate bill No. 211, a bill to be entitled "An act to amend article 958 (805) of title XVII, chapter 1, of the Penal Code of the State of Texas, relative to conspiracy to commit murder, rape, etc."

Read first time and referred to Judiciary Committee No. 2.

By Senator Yantis:

Senate bill No. 212, a bill to be entitled "An act to provide a penalty for the failure or refusal of any president, vice president, cashier of a national bank to furnish the tax assessor or the deputy tax assessor a correct statement of the assets and liabilities of the national bank of which such person is president, vice president or cashier."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Yantis:

Senate bill No. 213, a bill to be entitled "An act to amend title 4, chapter 5, of the Penal Code of the State of Texas, by adding after article 119c the articles 119d and 119e for the purpose of fixing a penalty for the failure or neglect of any tax assessor or deputy tax assessor to administer the oath or affirmation prescribed in article 5098 of the Revised Statutes of the State of Texas, adopted in 1895."

Read first time and referred to Judiciary Committee No. 2.

By Senator Yett:

Senate bill No. 214, a bill to be enti-

tled "An act to amend section 1 of an act entitled an act to provide for the prompt, speedy and economical disbursement of the direct tax refunded to the State of Texas under the act of the Fifty-first Congress, approved March 2, 1891, as enacted by the regular session of the Twenty-fourth Legislature in 1895, being chapter 25 (H. B. No. 300) and to repeal all laws in conflict with this act."

Read first time and referred to Judiciary Committee No. 1.

By Senator Lewis:

Senate bill No. 215, a bill to be entitled "An act to regulate the trial of civil actions for damages for libel, and the damages that may be allowed in such cases."

Read first time and referred to Judiciary Committee No. 1.

By Senator Lewis:

Senate bill No. 216, a bill to be entitled "An act to amend article 745 of the Revised Civil Statutes of the State of Texas, requiring foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon said corporations transacting business in this State, and authorizing the Secretary of State to issue permits to such corporations."

Read first time and referred to Judiciary Committee No. 1.

Call concluded.

#### BILLS ON SECOND READING.

The Chair laid before the Senate,

House bill No. 8, a bill to be entitled "An act to amend chapter 6, article 400, of the Penal Code of the Revised Statutes of the State of Texas, relating to selling intoxicating liquors to minors."

Bill read second time.

By Senator Colquitt:

Amend by striking out the enacting clause.

Lost by the following vote:

Yeas—12.

Atlee.	Kerr.
Bowser.	Lewis.
Burns.	Linn of Wharton.
Colquitt.	Stafford.
Dibrell.	Terrell.
Gough.	Turney.

Nays—13.

Beall.	Stone.
Boren.	Tillett.
Darwin.	Wayland.
Goss.	Woods.
Harrison.	Yantis.
Morriss.	Yett.
Rogers.	

Absent.

Neal.

Excused.

Bailey.

Presler.

Greer.

Ross.

Linn of Victoria.

By Senator Terrell:

Amend by adding the following to the caption after the word "Texas," in line 17, "relating to the sale or gift of intoxicating liquors to minors."

Adopted.

Bill passed to third reading.

Senator Dibrell entered a motion to reconsider the vote by which the bill was passed to a third reading.

On motion of Senator Beall, regular business was suspended to take up

House bill No. 103, a bill to be entitled "An act to amend subdivision 18 of article 22 of the Revised Civil Statutes of Texas, and to fix the times for holding courts in the Eighteenth judicial district."

Bill read second time, and passed to third reading.

(Senator Atlee in the chair.)

On motion of Senator Beall, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—25.

Atlee.	Linn of Wharton.
Beall.	Morriss.
Boren.	Rogers.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Gough.	Woods.
Harrison.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—none.

Excused.

Bailey.

Neal.

Greer.

Presler.

Linn of Victoria.

Ross.

Bill read third time, and passed by the following vote:

Yeas—25.

Atlee.	Goss.
Beall.	Gough.
Boren.	Harrison.
Bowser.	Kerr.
Burns.	Lewis.
Colquitt.	Linn of Wharton.
Darwin.	Morriss.
Dibrell.	Rogers.

Stafford.	Wayland.
Stone.	Woods.
Terrell.	Yantis.
Tillett.	Yett.
Turney.	

Nays—none.

Excused.

Bailey.	Neal.
Greer.	Presler.
Linn of Victoria.	Ross.

The Chair laid before the Senate, Substitute House bill No. 17, a bill to be entitled "An act to amend title 96, chapter 3, Revised Statutes (1895), of the State of Texas, by adding thereto, after article 4640, an article to be known as article 4640a, prohibiting the admission to record of instruments in any other than the English language, except instruments executed prior to the taking effect of this act, which may be recorded if accompanied by a sworn translation thereof."

Bill read second time, and passed to third reading.

On motion of Senator Linn of Wharton, the regular order was suspended to take up

House bill No. 434, a bill to be entitled "An act to validate and confirm an ordinance passed by the city council of the city of Galveston, ceding to the United States of America certain streets, intersecting land purchased and to be purchased by the United States of America for the purpose of erecting fortifications thereon, and to authorize the commissioners' court of Galveston county to cede to the United States of America such portions of public highways in Galveston county for the purpose of establishing fortifications situated outside the limits of the city of Galveston."

Bill read second time, and passed to third reading.

On motion of Senator Linn of Wharton, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—24.

Atlee.	Linn of Wharton.
Beall.	Morriss.
Boren.	Rogers.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Gough.	Woods.
Harrison.	Yantis.
Kerr.	Yett.

Nays—none.

Absent.

Lewis.

Excused.

Bailey.	Neal.
Greer.	Presler.
Linn of Victoria.	Ross.

Bill read third time, and passed by the following vote:

Yeas—25.

Atlee.	Linn of Wharton.
Beall.	Morriss.
Boren.	Rogers.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Gough.	Woods.
Harrison.	Yantis.
Kerr.	Yett.
Lewis.	

Nays—none.

Excused.

Bailey.	Neal.
Greer.	Presler.
Linn of Victoria.	Ross.

The Chair laid before the Senate, House bill No. 30, a bill to be entitled "An act to amend article 904 of title 10 of the Code of Criminal Procedure, relating to appeal and writ of error, and to repeal all laws and parts of laws in conflict herewith."

Bill read second time, and passed to third reading.

On motion of Senator Beall, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Morriss.
Beall.	Stafford.
Boren.	Stone.
Bowser.	Terrell.
Burns.	Tillett.
Colquitt.	Turney.
Darwin.	Wayland.
Dibrell.	Woods.
Goss.	Yantis.
Gough.	Yett.
Harrison.	

Nays—1.

Linn of Wharton.

Absent.

Kerr.

Rogers.

Excused.

Bailey.	Lewis.
Greer.	Linn of Victoria.

Neal.  
Presler.

Ross.

Bill read third time.

By Senator Terrell:

Amend by adding the following after the word "below," line 31, "or proven up by bystanders as is now provided by law."

Adopted by the following vote:

Yeas—21.

Atlee.	Kerr.
Beall.	Lewis.
Boren.	Rogers.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Wayland.
Goss.	Woods.
Gough.	Yantis.
Harrison.	

Nays—2.

Linn of Wharton. Turney.

Absent.

Morriss. Yett.

Excused.

Bailey.	Neal.
Greer.	Presler.
Linn of Victoria.	Ross.

The bill was then passed by the following vote:

Yeas—21.

Atlee.	Lewis.
Beall.	Morriss.
Boren.	Rogers.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Wayland.
Goss.	Woods.
Gough.	Yantis.
Kerr.	

Nays—2.

Linn of Wharton. Turney.

Absent.

Harrison. Yett.

Excused.

Bailey.	Neal.
Greer.	Presler.
Linn of Victoria.	Ross.

By consent, Senator Gough offered the following resolution:

Resolved, that the President of the Senate appoint J. K. P. Shirley committee clerk to serve the special committees appointed to investigate the Torrens land system and the school text-book question, and any other clerical work, under the direction of the President of the Senate.

Adopted by the following vote:

Yeas—15.

Atlee.	Linn of Wharton.
Boren.	Rogers.
Bowser.	Stafford.
Burns.	Stone.
Dibrell.	Turney.
Goss.	Wayland.
Gough.	Woods.
Kerr.	

Nays—6.

Beall.	Terrell.
Colquitt.	Tillett.
Darwin.	Yantis.

Present, not voting.

Morriss.

Absent.

Harrison.	Yett.
Lewis.	

Excused.

Bailey.	Neal.
Greer.	Presler.
Linn of Victoria.	Ross.

Senator Gough moved to reconsider the vote by which the resolution was adopted, and to lay that motion on the table.

Senator Colquitt moved a call of the Senate, which was duly seconded and ordered.

The following Senators answered to their names:

Atlee.	Linn of Wharton.
Beall.	Morriss.
Boren.	Rogers.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Gough.	Woods.
Kerr.	Yantis.

Absent.

Harrison.	Yett.
Lewis.	

Excused.

Bailey.	Neal.
Greer.	Presler.
Linn of Victoria.	Ross.

Senator Gough moved to excuse the absentees.

Excused by the following two-thirds vote:

Yeas—16.

Atlee.	Linn of Wharton.
Boren.	Morriss.
Bowser.	Rogers.
Burns.	Stafford.
Dibrell.	Stone.
Goss.	Turney.
Gough.	Wayland.
Kerr.	Woods.



## Nays—6.

Beall.	Terrell.
Colquitt.	Tillett.
Darwin.	Yantis.

## Absent.

Harrison.	Yett.
Lewis.	

## Excused.

Bailey.	Neal.
Greer.	Presler.
Linn of Victoria.	Ross.

The motion to table (Gough's) then prevailed by the following vote:

## Yeas—16.

Atlee.	Linn of Wharton.
Boren.	Morriss.
Bowser.	Rogers.
Burns.	Stafford.
Dibrell.	Stone.
Goss.	Turney.
Gough.	Wayland.
Kerr.	Woods.

## Nays—6.

Beall.	Terrell.
Colquitt.	Tillett.
Darwin.	Yantis.

## Absent.

Harrison.	Yett.
Lewis.	

## Excused.

Bailey.	Neal.
Greer.	Presler.
Linn of Victoria.	Ross.

The Chair laid before the Senate,

House bill No. 54, a bill to be entitled "An act to amend article 338 of the Penal Code of the State of Texas, adopted A. D. 1895, so as to fix the penalty for unlawfully carrying arms, at a fine of not less than \$25 nor more than \$200."

Bill read second time, and passed to third reading.

The Chair laid before the Senate,

House bill No. 65, a bill to be entitled "An act to define and punish the offense of wilfully or maliciously throwing missiles or firing guns or other firearms at or into moving trains on railroads or any railway depot, private residence, school house, church, church house, store house, hotel or other public or private building, sailboat or steamboat in this State."

Bill read second time.

By Senator Rogers:

Amend section 1, line 23, after "depot," by adding the following, "or any street railway car."

Adopted.

By Senator Rogers:

Amend caption by adding after "de-

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pot," the following, "or street railway car."

Adopted.

Bill as amended passed to third reading.

Senator Colquitt moved to reconsider the vote by which the bill was passed to third reading.

Carried.

By Senator Colquitt:

Amend by adding after the word "street car," in line 23, the words "public cab, omnibus or private carriage or buggy."

Adopted.

By Senator Terrell:

Amend by adding after the word "building," line 25, the words "public or private tent."

Adopted.

By Senator Colquitt:

Amend by adding to the caption, in line 16, after the words "street car," the words, "public cab, omnibus or private carriage or buggy," and in line 17, after the word "building," the words "public or private tent."

Adopted.

Bill as amended then passed to third reading.

(Lieutenant Governor Jester in the chair.)

The Chair laid before the Senate,

House bill No. 82, a bill to be entitled "An act to amend article 878 of title 17, chapter 9, of the Penal Code of the State of Texas, and to make the receiving or concealing of stolen property a criminal offense, and to provide appropriate penalties for said offense, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Bill read second time, and passed to third reading.

The Chair laid before the Senate,

House bill No. 87, a bill to be entitled "An act to amend article 4069, chapter 4, title LXXXVII, of the Revised Civil Statutes of Texas, relating to bonds given by county surveyors."

Bill read second time, and passed to third reading.

The Chair laid before the Senate,

House bill No. 109, a bill to be entitled "An act to amend article 1814, article 1815 and article 1816, of title XXXVII, of the Revised Statutes of 1895 of the State of Texas, relating to the time and manner of making returns to the Secretary of State of election for electors for President and Vice-President, and of estimating the same, and of the meeting of the electors."

Bill read second time.

By Senator Atlee:

Amend article 1815 by substituting the words "on the fourth Monday in November next after said election" for the words "on the fortieth day after the election, the day of election excluded, and not before, or on the earliest day practicable thereafter."

Adopted.

By Senator Atlee:

Amend by adding after article 1815 the following:

"Art. 1815a. Any person or persons intending to contest the election of any or all of the persons declared elected, as provided in article 1815, as electors of president and vice president, shall, within fifteen days from the said fourth Monday in November, file with the Secretary of State a written statement of the ground on which such contestant relies to sustain such contest, and shall, within such time, notify the contestee thereof in writing, and deliver to him, his agent or attorney, a copy of said statement. The contestee shall, within ten days after receiving such notice, file with the Secretary of State his reply thereto in writing. The contest shall, as soon thereafter as possible, be tried and determined by the State board of canvassers, consisting of the Governor, Attorney General and Secretary of State, or any two of them, and their decision shall be rendered at least six days before the time fixed by law for the meeting of the electors. Such decision, in which two at least of such board shall join, shall be final, and certificates of election, in accordance therewith, shall at once be issued by the Secretary of State to the proper parties. Where not otherwise herein provided, the provisions of chapter 7, of title XXXVI, of the Revised Statutes, relating to contests for the validity of an election for members of the Legislature, shall apply to such contests for presidential electors."

Adopted.

By Senator Atlee:

Amend caption by adding thereto the words "and to add thereto article 1815a, providing a method of determining contests for said offices."

Adopted.

By Senator Atlee:

Amend enacting clause thus: "Be it enacted by the Legislature of the State of Texas, that articles 1814, 1815, and 1816 of the Revised Civil Statutes (1895) of the State of Texas be so amended, and a new article to be

known as article 1815a be added thereto, to read as follows:"

Adopted.

Bill as amended passed to third reading.

The Chair laid before the Senate,

House bill No. 110, a bill to be entitled "An act to amend articles 2526, 2531 and 2532, of title 49, of the Revised Civil Statutes of Texas, and to repeal article 2527 of said title, relating to forcible entry and detainer."

Bill read second time, with the following Senate committee amendments:

Amend:

1st. By striking out article 2526 and insert in lieu thereof the following:

"Article 2526. Either party to the suit shall have the right of trial by jury by making demand for a jury to the justice of the peace on or before the day for which the case is set for trial and paying the jury fee of three dollars (\$3), and when a jury is demanded the justice of the peace shall issue a precept to the sheriff or any constable of the county, commanding him to summon a jury of six men, qualified jurors of the county, to appear before him on the day set for trying the complaint, to serve as jurors, and shall be returned with the name of the jurors thereon to the said justice of the peace on the day assigned for trial. If no jury be demanded, the case shall be tried by the justice of the peace without a jury."

2d. By striking out in the caption of the bill the words, "and that article 2527, of said title, be repealed."

3d. By striking out all of section 2 of said bill.

Committee amendments adopted.

Bill passed to third reading.

On motion of Senator Beall,

Substitute Senate bills Nos. 45, 59 and 70, a bill to be entitled "An act declaring any deed, assignment, deed of trust, mortgage or other transfer made, and every confession of judgment, lien created or security given or other act done by any merchant, mercantile partnership, association, or joint stock company daily exposing for sale any goods, wares or merchandise when insolvent or in contemplation of insolvency, or after or in contemplation of the insolvency of any partner or member of such partnership, association or company with the intent to give a preference to any creditor of such merchant, mercantile partnership, association or joint stock company over other creditors of such merchant, mercantile partnership, association or joint

stock company void as against the creditors of such merchant, mercantile partnership, association or joint stock company, and declaring any of the said acts to constitute a general assignment for all creditors, and providing for the appointment of an assignee in certain cases, and providing that the provisions of title 8 of the Revised Civil Statutes of Texas relating to general assignments shall govern in carrying this act into effect,"

Was made special order for Friday, February 26, after call, and from day to day.

On motion of Senator Goss,

Senate joint resolution No. 7, amending article 8 of the Constitution of the State of Texas by adding thereto section 20,

Was made special order for Tuesday, February 23, after call.

On motion of Senator Linn of Wharton,

Senate bill No. 105, a bill to be entitled "An act to secure a system of drainage along the public roads of the State by excavating ditches and drains on either side thereof leading into the natural waterways crossed by or adjacent to such roads, and to provide for the making of lateral drainage ditches to empty into same by owners of lands adjacent to said road, and to provide for the payment of expense incurred therefor, and for the collection of assessments from adjoining land owners benefited by such drainage system."

Was made special order for Tuesday, February 23, after Senate joint resolution No. 7, and from day to day.

#### HOUSE MESSAGES.

The following House messages were received:

House of Representatives,  
Austin, Texas, Feb. 17, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate that the House has passed

Senate concurrent resolution No. 12, creating a joint committee to inquire into the subject of school text-books.

Also of the appointment of the following committee on the part of the House to serve with a like committee from the Senate: Messrs. McGaughey, Barrett, Williams, Fields, Blair.

Respectfully,

J. W. SELLARS,  
Acting Chief Clerk House of Representatives.

House of Representatives,  
Austin, Texas, Feb. 17, 1897.

Hon. George T. Jester, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to

House bill No. 30, a bill to be entitled "An act to amend article 904 of title 10 of the Code of Criminal Procedure, relating to appeals and writs of error, and to repeal all laws and parts of laws in conflict herewith."

Respectfully,

J. W. SELLARS,  
Acting Chief Clerk House of Representatives.

On motion of Senator Turney, the Senate adjourned until next Monday, February 22, at 10 a. m.

#### THIRTIETH DAY.

Senate Chamber,  
Austin, Tex., Monday, Feb. 22.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. No quorum present, the following Senators answering to their names:

Bailey.	Linn of Wharton.
Beall.	Morriss.
Boren.	Rogers.
Bowser.	Terrell.
Colquitt.	Tillett.
Dibrell.	Turney.
Goss.	Wayland.
Gough.	Woods.
Harrison.	Yantis.
Kerr.	Yett.
Lewis.	

Absent.

Atlee.	Presler.
Burns.	Ross.
Darwin.	Stafford.
Neal.	Stone.

Excused.

Greer. Linn of Victoria.

Prayer by the Chaplain, Rev. F. S. Jackson.

On motion of Senator Bowser, a recess of fifteen minutes was taken.

#### AFTER RECESS.

Senator Beall appearing, a quorum was announced.

On motion of Senator Wayland, the reading of the Journal of the 17th was dispensed with.

Senator Colquitt moved a call of the